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Office of the Governor

October 17, 2011

The Honorable Harry Reid
Majority Leader
United States Senate
522 Hart Senate Office Bldg
Washington, DC 20510

The Honorable Shelly Berkley
United States Congress
405 Cannon HOB
Washington, D.C. 20510

The Honorable Mark Amodei
United States Congress
125 Cannon HOB
Washington, D.C. 20515

The Honorable Dean Heller
United States Senate
361 Russell Senate Office Bldg.
Washington, D.C. 20510

The Honorable Joe Heck
United States Congress
132 Cannon HOB
Washington, D.C. 20515

Dear Senators, Congresswoman and Congressmen:

On behalf of the State of Nevada Department of Transportation, Las Vegas Metropolitan Police Department, Washoe County Sheriff's Office, Washoe County Regional Communications System and NV Energy ("Joint Petitioners"), I respectfully request your attention and support of Joint Petitioners Request for Waiver and Expedited Action ("Request") filed with the Federal Communications Commission ("FCC") on May 9, 2010. The Waiver, once granted, would allow Nevada to share the 700 MHz public safety broadband spectrum among other public safety service providers and public users. Nevada's Joint Petitioners made their request pursuant to Section 1.925 (b) of the FCC Rules.

The Joint Petitioners' request supports a compelling Nevada public interest need. The Request may create a national model whereby the Petitioners and other public service and public safety users will be allowed to build and share an interoperable broadband network. The Petitioners have long jointly served the public interest through their mutual relationship in the Nevada Shared Radio System. Their continued relationship allows them to leverage the values of sharing public and private assets, and now ARRA federal grant program resources and the public safety spectrum.

The FCC can grant such requests made by the Joint Petitioners if the petition demonstrates either that:

1. The underlying purpose of the proposed rule(s) would not be served or would be frustrated by application to the present case and that a grant of waiver would be in the public's interest; or,
2. In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest or the applicant has no reasonable alternative.

Nevada's Request satisfies both tests.

On May 11, 2010, the FCC adopted an Order granting 21 similar conditional waivers to regions around the nation. And, most recently, the FCC granted the State of Texas its request for waiver of the FCC rules. On July 11, 2011, the FCC issued its Fourth Report and Order in PS Docket No. 06-229 where the Commission, in its Order, provided the "structure for analyzing the statute that can provide guidance to government entities seeking to determine who may use its systems in this spectrum and how those systems may be used in order to qualify as "public safety services" under Section 337(f)." And, on September 21, 2011, the State of Michigan, citing the same values and justification presented by the State of Nevada, among others, requested the FCC for a waiver of its rules regarding the shared use of the 700MHz spectrum for the State of Michigan.

We attach for your reference and use a more complete summary of the actions of the FCC associated with Nevada's Request. Timing, since filing Nevada's Petition over a year ago, is becoming critical with respect to Nevada's development of its strategic joint venture investment decisions affecting advanced data network design and deployment. Also, any further delay in approving Nevada's Petition interferes with a strategic opportunity to advance the mutual and shared interests of the State of Nevada and other users of the Nevada Shared Radio System in the design and deployment of this advanced data network and in the development of the State's five year strategic plan.

The Petitioners respectfully seek any assistance you might provide or recommend with respect to accelerating the FCC review and approval of Nevada's Request for Waiver and Expedited Action. Thank you for your consideration of this request.

Sincere regards,



BRIAN SANDOVAL
Governor